

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

CIVIL ACTION NO. 2:25

05 - 11877 REK

U.S. DISTRICT COURT  
DISTRICT OF MASS.

AALAEELDIN KHIRAWI

Plaintiff

v.

GETRONICS WANG CO., LLC  
a/k/a and d/b/a GETRONICS

Defendants

MAGISTRATE JUDGE Deir

RECEIPT # 66940  
AMOUNT \$ 250  
SUMMONS ISSUED 4  
LOCAL RULE 4.1 1  
WAIVER FORM 1  
MCF ISSUED 1  
BY DPTY. CLK. Tom  
DATE 9/16/05

COMPLAINT AND JURY CLAIM

NOW COMES Aalaeldin Khirawi, the plaintiff in the above-entitled action, and hereby states as follows:

STATEMENT OF SUBJECT MATTER JURISDICTION

1. This is a civil rights action based on unlawful retaliation resulting from a complaint of discrimination.
2. The unlawful retaliation was perpetrated by the employer against its employee in violation of the Civil Rights Act, 42 U.S.C. 2000e, et seq., and in violation of M.G.L. Chapter 151B, §1, et seq.
3. The unlawful practices were committed in the Federal District of Massachusetts, this Court's judicial district.
4. This Court has jurisdiction of this matter pursuant to the provisions of 42 U.S.C. 2000e-5(f)(3) and 28 U.S.C. 1331.

5. Plaintiff has asserted claims and requests for relief pursuant to Massachusetts law that arise from the same facts and circumstances as Plaintiff's claims and requests for relief pursuant to Federal law.

6. The Court has Supplemental Jurisdiction of Plaintiff's state law claims pursuant to 28 U.S.C. 1367.

### PARTIES

7. The Plaintiff in this action is Aalaeldin Khirawi, an individual, and a United States citizen now or formerly residing at 16 Chase Avenue, Manchester, New Hampshire.

8. Defendant Getronics Wang Co. LLC, a/k/a and d/b/a Getronics ("Getronics") is a duly organized, limited liability company registered to do business within the Commonwealth of Massachusetts, and is an employer as defined by 42 U.S.C. 2000e and Massachusetts General Laws Chapter 151B, Section 1, now or formerly having a usual place of business located at 836 North Street, Tewksbury, Middlesex County, Massachusetts and at 290 Concord Road, Billerica, Massachusetts, and having an agent for service of process of CT Corporation Systems, 101 Federal Street, Boston, Massachusetts, which at all times relevant to this Complaint had more than fifteen employees.

9. At all times relevant to this Complaint, Plaintiff was an employee of Defendant Getronics.

**FACTS COMMON TO ALL COUNTS**

10. At all times during his employment with Getronics, Plaintiff was qualified for the position and capacity in which he was employed.
11. At all times relevant to this Complaint, Getronics had an obligation and duty to provide the plaintiff with a work place free from discrimination and retaliation.
12. Plaintiff worked for Getronics in a temporary capacity for approximately 18 months, until he was hired as permanently.
13. Plaintiff's employment experience and work evaluations with Getronics were both positive prior to his complaints of discrimination.
14. During the year 2003, Plaintiff applied for an internal promotion and was given the title of Quality Assurance Representative and promised an increase in salary to \$38,000 - \$40,000.
15. Plaintiff never received the promised increase in salary.
16. When Plaintiff inquired about Getronics' failure to increase his salary, his immediate supervisor advised him that the decision was based on his race.
17. In late 2003, Plaintiff did receive an increase in salary to \$36,000, less than the promised increase.
18. When Getronics failed to increase his salary as promised, and when it became clear to Plaintiff that Getronics was treating him different because of his race, Plaintiff lodged an internal complaint of discrimination.
19. Getronics retaliated against Plaintiff because of his internal complaints of discrimination, and repeatedly gave him warnings and threatened his employment if he continued to assert his claims of discrimination.

20. Getronics repeatedly subjected Plaintiff to unwarranted disciplinary action, including a written warning on the same day that his supervisor gave him a positive performance evaluation.

21. When Getronics failed to adequately respond to his internal complaint of discrimination, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on June 10, 2004.

22. The EEOC issued its initial decision on October 8, 2004.

23. Getronics fired Plaintiff on October 26, 2004, effective October 27, 2004. The respondent's termination letter referenced a written warning dated October 26, 2004, which warning referenced alleged performance issues in September 2004 (prior to the EEOC's notice of action) as alleged justification for the termination.

24. Getronics' articulated reasons for Plaintiff's termination are false and a pretext for retaliation against Plaintiff because of his internal and EEOC complaints of discrimination and other activity protected under M.G.L. Chapter 151B and Title VII.

25. Getronics' retaliatory conduct was ongoing and continuous until his termination on October 27, 2004.

26. On or about April 11, 2005, Plaintiff filed a Complaint and Charge of Retaliation against Getronics with the Massachusetts Commission Against Discrimination, which was duly cross-filed with the Equal Employment Opportunities Commission.

27. In the Complaint filed with the Massachusetts Commission Against Discrimination and cross-filed with the Equal Employment Opportunities Commission, Plaintiff alleged that Getronics terminated his employment and otherwise subjected him negative unwarranted treatment in retaliation for his protected activity.

28. Pursuant to its work-sharing agreement with the Equal Employment Opportunities Commission, the Massachusetts Commission Against Discrimination investigated Plaintiff's Complaint of discrimination against Getronics.

29. On or about July 20, 2005, the Equal Employment Opportunities Commission issued the Plaintiff a Notice of Right to Sue authorizing him to file the instant civil action.

**COUNT I - RETALIATION IN VIOLATION OF THE CIVIL RIGHTS ACT**

30. Plaintiff restates, realleges and incorporates by reference herein allegations one through twenty nine of this Complaint.

31. Getronics unlawfully retaliated against the plaintiff because of and on account of his protected activity under the Civil Rights Act, 42 U.S.C. 2000e, et seq., as amended.

32. As a direct and proximate result of Getronics unlawful retaliation, in violation of the Civil Rights Act, 42 U.S.C. 2000e, et seq., as amended, Plaintiff has incurred and continues to incur substantial loss of salary, earnings and wages, earning capacity and fringe benefits, has suffered emotional distress and anguish of mind, and has suffered, and will continue to suffer, other damages as he will show at trial.

33. Plaintiff complied with the requirement(s) of 42 U.S.C. 2000e-5(e)(1) when he properly and in a timely manner filed a complaint with the Massachusetts Commission Against Discrimination, said Complaint which was cross-filed with the Equal Employment Opportunities Commission, said complaint alleging that Getronics subjected him to unlawful retaliation.

34. Plaintiff has duly, properly and in a timely manner notified the Equal Employment Opportunities Commission of his intention to file this Complaint and to seek relief in this Court.

35. The Equal Employment Opportunities Commission has issued Plaintiff a Notice of his Right to Sue that authorizes Plaintiff to bring this private civil action against Getronics.



WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Getronics and:

- a. Declare that Getronics' conduct violated the Civil Rights Act, 42 U.S.C. 2000e, et seq.;
- b. Enjoin Getronics from subjecting Plaintiff to further discrimination and retaliation;
- c. Issue a mandatory injunction compelling Getronics to provide training to its employees, officers and agents, designed to eliminate, prevent and reduce discrimination and retaliation;
- d. Award Plaintiff compensatory damages in the amount of \$1,500,000.00;
- e. Award Plaintiff multiple damages;
- f. Award Plaintiff punitive damages;
- g. Award Plaintiff reasonable attorneys' fees, statutory interest, and the costs of this action;
- h. Issue such other relief as the Court deems just and proper.

**COUNT II – RETALIATION IN VIOLATION OF M.G.L. CHAPTER 151B, SECTION 4**

36. Plaintiff restates, realleges and incorporates by reference herein allegations one through thirty five of this Complaint.

37. Getronics unlawfully retaliated against the plaintiff because of and on account of his protected activity under the Massachusetts General Laws Chapter 151B, Section 4.

38. As a direct and proximate result of Getronics' unlawful retaliation in violation of M.G.L. Chapter 151B, Section 4, Plaintiff has incurred and continues to incur substantial loss of wages, salary and earnings, earning capacity and fringe benefits, has suffered emotional distress and anguish of mind, and has suffered, and will continue to suffer, other damages as he will show at trial.

39. Plaintiff complied with the requirement(s) of Massachusetts General Laws Chapter 151B, Section 5 when he properly and in a timely manner filed a complaint with the Massachusetts Commission Against Discrimination, said complaint alleging that Getronics subjected him to unlawful retaliation.

40. More than ninety days have passed since Plaintiff filed a Complaint with the Massachusetts Commission Against Discrimination.

41. The Massachusetts Commission Against Discrimination has authorized the plaintiff to bring this private cause of action.

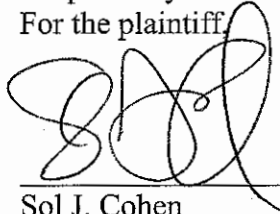
42. Massachusetts General Laws Chapter 151B, Section 9 authorizes Plaintiff to bring this private civil action against Getronics.

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment against Getronics and:

- a. Declare that Getronics' conduct violated Massachusetts General Laws Chapter 151B, Section 4, as amended;
- b. Enjoin Getronics from subjecting Plaintiff to discrimination and retaliation;
- c. Issue a mandatory injunction compelling Getronics to provide training to its agents, employees and officers designed to eliminate, prevent and reduce discrimination and retaliation;
- d. Award Plaintiff compensatory damages in the amount of \$1,500,000.00;
- e. Award Plaintiff multiple damages;
- f. Award Plaintiff punitive damages;
- g. Award Plaintiff reasonable attorneys' fees, statutory interest, and the costs of this action;
- h. Issue such other relief as the Court deems just and proper.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE**

Respectfully submitted,  
For the plaintiff,

A handwritten signature in black ink, appearing to be 'Sol J. Cohen', written over a horizontal line.

Sol J. Cohen  
BBO # 630776  
COHEN & SALES  
43 Thorndike Street  
Cambridge, MA 02141  
(617) 621-1151



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained hereon neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Aalaeldin Khirawi

(b) County of Residence of First Listed Plaintiff (New Hampshire)

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sol J. Cohen, Cohen & Sales, 43 Thorndike St., Cambridge, MA 02141,  
617-621-1151

## DEFENDANTS

Getronics Wang Co., LLC, d/b/a Getronics

County of Residence of First Listed Defendant Middlesex

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 2 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 424 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 670 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract				<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 892 Economic Stabilization Act
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 2000e

Brief description of cause:

Unlawful termination of employment in retaliation for protected activity under discrimination statutes

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$  
UNDER F.R.C.P. 23 1,500,000.00

CHECK YES only if demanded in complaint: Statutes  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/14/05

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only)

Khirawi v. Getronics Wang Co., LLC, d/b/a Getronics

2. Category in which the case belongs based upon the numbered nature of suit code listed on the CIVIL cover sheet (See local rule 40.1(a)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- X II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)) If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

None.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☒ NO ☐A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Sol J. Cohen, Cohen &amp; Sales

ADDRESS 43 Thorndike St., Cambridge, MA 02141

TELEPHONE NO. 617-621-1151